IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1026 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10/02/2004 in WP NO : 13409 OF 2003 on the file of the High Court.)

Between:

1.The Dy. Director of Mines & Geology Kurnool Kurnool District
2.The Assistant Director of Mines and Geology, Kurnool, Kurnool District.
3.The Government of Andhra Pradesh, rep by Secretary, Ind & Commerce Dept., Secretariat, Hyderabad

..... APPELLANTS.

AND

1.The Palukur Labour Contract Coop.Society, Palukur. Banaganapalli(M), Kurnool District.
2.The District Forest Officer, Kurnool Kurnool District

.....RESPONDENTS

Counsel for the Appellant: GP FOR INDUSTRIES AND

COMMERCE

Counsel for the Respondent No.1: Mr.O.MANOHER REDDY

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

First respondent's writ petition was disposed of with direction to the Government of Andhra Pradesh to consider the proposal submitted by the Principal Chief Conservator of Forests, in accordance with law, within a period of four weeks. With such an order passed, it is not understandable how and why the Government should feel aggrieved inasmuch as there is no such direction directing the State Government to act in a particular manner. Ultimate decision would rest at the sole discretion of the Government of Andhra Pradesh, which, of course, will have to be taken only in accordance with law. The directions which the learned Single Judge issued were on the basis of the stand, which the appellants had taken that after the application of the first respondent for renewal of mining lease was rejected, the first respondent had applied to the Principal Chief Conservator of Forests for diversion of 40 acres of forest area of Ramatheertham reserve forest for mining purposes. The counter affidavit stated that the Principal Chief Conservator of Forests had forwarded respondent's application for processing under the Forest (Conservation) Act, 1980 to the Government of Andhra Pradesh and the matter was pending at the level of Government of Andhra Pradesh. Any action on the part of the Government either to accept or to reject the application, of course, will have to be taken only in accordance with law. Learned Single Judge has not issued any direction that after expiry, lease may be renewed. Even if the proposal for diversion is accepted, the prayer for renewal of lease will be considered in accordance with law. As such, we do not find in merit in the appeal. The Writ Appeal, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

20.7.2004.

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C.V.RAMULU, J.

VR.

To

1.The Deputy Director of Mines & Geology, Kurnool, Kurnool District
2.The Assistant Director of Mines and Geology, Kurnool, Kurnool District.
3.The Secretary to Government of Andhra Pradesh, Industries & Commerce Dept., Secretariat, Hyderabad.

4. Two CCs to Government Pleader for Industries & Commerce, High Court Bldgs., Hyderabad.

5. Two CD copies.